

Public, *International* Open Source Collaboration *Without* ITAR and EAR issues: Open Research Institute

ITAR and EAR each contain legal carve-outs for Open Source. ITAR calls it “Public Domain”, EAR calls it “Published”, but both mean that knowledge which is known to the public is not subject to ITAR and EAR.

Open Research Institute was founded to perform research under the public eye, such that all work is published online as it is created, under the liberal terms of Open Source or Open Data licensing. The organization literally has no secrets!

Software source-code checkins, hardware schematics, and online discussion are made available online immediately for anyone, worldwide, to read.

Besides keeping everything under the public eye, we must be careful not to perform *defense services* if our work is not to be subject to ITAR and EAR. Even defense services for the United States must be avoided. Collaborators must not be working on a defense project for any nation. Collaboration by government projects which support the public well-being (FEMA is a good example) are allowed.

ITAR specifies a particular set of methods of publication which make a work “Public Domain” under ITAR. This doesn’t explicitly include web sites. But it does include publishing our work at conferences like this one, and placing it in public libraries.

EAR accepts web sites as a form of publication which can be used to make a work not subject to EAR.

The recent settlement between Defense Distributed and the United States Government is validation of the similar methods we have been using to avoid ITAR and EAR complications. Firearm policy is outside of the scope of our organization, our interest in this case is only for its ITAR/EAR implications.

ITAR / EAR NOTICE

Open Research Institute, Inc. gives notice that all of our development: source code, schematics, hardware designs is available for the entire public, worldwide, to download from our web server at

<http://openresearch.institute/public/>

Our intent is for all of this work to be “Public Domain” under ITAR 120.11 and “Published” under EAR 734.7, and thus not subject to ITAR or EAR.

In addition, it is ORI’s policy not to provide services that might be restricted under ITAR or EAR, and we do not allow participation in our projects that could be connected with the national defense of any nation.

The ITAR/EAR strategy and policies of ORI are published at <https://openresearch.institute/itar-and-ear-strategy/> and <https://openresearch.institute/developer-and-participant-policies/>

Questions regarding this notice should be directed to Bruce Perens, President, via email to bruce at perens dot com